

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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In re: :  
 : In Chapter 13  
 JAMES B. WALL :  
 : Bankruptcy No. 19-16078 (JKF)  
 Debtor. :  
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**THE CITY OF PHILADELPHIA’S  
OBJECTION TO THE PROPOSED AMENDED CHAPTER 13 PLAN**

TO THE HONORABLE JEAN K. FITZSIMON:

AND NOW, comes the City of Philadelphia (the “City”), a secured creditor in the above-captioned case, by and through its Counsel, Joshua Domer, Assistant City Solicitor, pursuant to Bankruptcy Code §§ 506(b), 1325(a)(5), and L.B.R. 3015-1(c), to object to the proposed amended Chapter 13 plan (the “Plan”) of the above-captioned debtor (the “Debtor”). The City avers the following in support thereof:

1. On or about September 27, 2019, the Debtor filed a voluntary petition (the “Petition”) for Chapter 13 bankruptcy with this Court.

2. A list of all real property owned by the Debtor was filed on October 11, 2019, which included the property located at 310 Robbins Street, Philadelphia, Pennsylvania (the “Subject Property”). A copy of the Debtor’s Amended Schedule A/B is attached hereto as **Exhibit A**.

3. The Subject Property is alleged by the Debtor to have a current value of Seventy-Nine Thousand One Hundred Thirty-Three Dollars (\$79,133.00). See Exhibit A.

4. On March 16, 2020, the City filed a secured claim in the amount of Two Thousand Five Hundred Sixteen Dollars and Sixty-Eight Cents (\$2,516.68) for unpaid real

estate taxes owed on the Subject Property (the “Secured Claim”). A copy of the proof of claim filed by the City is attached hereto as **Exhibit B**.

5. As neither the Debtor nor another party in interest has objected to the Secured Claim, it is deemed allowed. See 11 U.S.C. § 502(a).

6. On April 1, 2020, the Debtor filed the Plan, which provides a payment in the amount of the Secured Claim, Two Thousand Five Hundred Sixteen Dollars and Sixty-Eight Cents (\$2,516.68), but fails to provide for post-petition interest to the Secured Claim, and incorrectly names the creditor as the City of Philadelphia Water Revenue Bureau. A copy of the Plan is attached hereto as **Exhibit C**.

7. The City is entitled to post-petition interest on the Secured Claim until the last payment under the Plan. See 11 U.S.C. § 506(b); see also U.S. v. Ron Pair Enters., 489 U.S. 235 (1989); In re Nixon, 404 Fed. Appx. 575, 578 (3d Cir. 2010); In re Bernbaum, 404 B.R. 39, 42 (Bankr. D. Mass. 2009); In re Soppick, 516 B.R. 733, 753 (Bankr. E.D. Pa. 2014).

8. The post-petition interest applicable to the Secured Claim is the nine percent (9%) interest rate on real estate taxes assessed on the Subject Property. See 11 U.S.C. § 511(a); Phila. Code § 19-1303; In re Bernbaum, 404 B.R. 39, 43 (Bankr. D. Mass. 2009); In re Soppick, 516 B.R. 733, 753 (Bankr. E.D. Pa. 2014).

9. The Plan should not be confirmed as the City, a secured creditor, has not accepted the plan. See 11 U.S.C. § 1325(a)(5)(A).

10. The Plan should not be confirmed as it fails to provide accurate post-petition interest on the Secured Claim and thus does not ensure that distributions under the plan are not less than the allowed amount of the Secured Claim. See 11 U.S.C. §§ 506(b);

1325(a)(5)(B)(ii); In re Bernbaum, 404 B.R. 39, 42 (Bankr. D. Mass. 2009); In re Soppick, 516 B.R. 733, 753 (Bankr. E.D. Pa. 2014).

WHEREFORE, the City respectfully requests that this Court DENY confirmation of the Plan.

Respectfully submitted,

THE CITY OF PHILADELPHIA

Dated: April 29, 2020

By: /s/ Joshua Domer  
JOSHUA DOMER  
Assistant City Solicitor  
PA Attorney I.D. 319190  
Attorney for the City of Philadelphia  
City of Philadelphia Law Department  
Municipal Services Building  
1401 JFK Boulevard, 5<sup>th</sup> Floor  
Philadelphia, PA 19102-1595  
215-686-0519 (phone)  
Email: Joshua.Domer@phila.gov